UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA CHARLESTON DIVISION

Darrell L. Goss, Sr., #305517,) Civil Action No.: 2:21-cv-01090-RBH
Plaintiff,)
v.	ORDER
Edward Moultrie, Brian Kendell, Ann)
Sheppard, Brian Stirling, Jake Gadsen,)
Jr., and Mike Brown, in their individual	
and official capacities,)
)
Defendants.)
	_)

This matter is before the Court for review of the Report and Recommendation ("R & R") of United States Magistrate Judge Mary Gordon Baker, who recommends granting in part and denying in part the motion for partial dismissal [ECF No. 55] filed by Defendants Jake Gadsen, Jr. and Mike Brown. See ECF No. 73.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

No parties have filed objections to the R & R, and the time for doing so has expired.² In the

The Magistrate Judge issued the R & R in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2)(e) (D.S.C.).

Defendants Gadsen, Jr. and Brown's objections were due by August 10, 2022, and Plaintiff's objections were due by August 13, 2022. *See* ECF Nos 73 & 74.

absence of objections to the R & R, the Court is not required to give any explanation for adopting the

Magistrate Judge's recommendations. See Camby v. Davis, 718 F.2d 198, 199–200 (4th Cir. 1983).

The Court reviews only for clear error in the absence of an objection. See Diamond v. Colonial Life &

Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection,

a district court need not conduct de novo review, but instead must 'only satisfy itself that there is no

clear error on the face of the record in order to accept the recommendation" (quoting Fed. R. Civ. P.

72 advisory committee's note)).

Having found no clear error, the Court **ADOPTS** the Magistrate Judge's R & R [ECF No. 73]

and GRANTS IN PART AND DENIES IN PART Defendants Gadsen, Jr. and Brown's motion for

partial dismissal [ECF No. 55] so that Plaintiff's § 1983 claims for monetary damages against

Defendants Gadsen, Jr. and Brown in their official capacities are **DISMISSED** without prejudice.

Plaintiff's § 1983 claims for injunctive relief against Defendants Gadsen, Jr. and Brown and Plaintiff's

§ 1983 claims for monetary damages against Defendants Gadsen, Jr. and Brown in their individual

capacities remain pending.

IT IS SO ORDERED.

Florence, South Carolina August 29, 2022

s/ R. Bryan Harwell

R. Bryan Harwell

Chief United States District Judge

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